Mrs. Gaines Wins Her Forty-Year Lawsuit.

LESSON TO EXECUTORS.

Singular History of Parental Indiscretion and Cupidity.

TOO MUCH MARRIED

Judge Billings' Decision-Thirty Millions of Property Recovered.

A Precedent That Will Affect Hungreds

The decision of Judge Billings, of the United States District of Louisiana, in favor of Mrs. Myra Clark cidents such as even law suits seldom reveal. It portrays the tife of a woman devoted first to the establish ment of her legitimacy, then the reclamation of a vast fortune which had been by various devices withheld from her. For nearly half a century has she fought against the adversities and vicissitudes a litigant. Sometimes suffering from bereavement, deserted by friends, misled by grasping attorneys, left even to plead her own cause in the presence of the ablest lawyers of Louisiana before a captious and prejudiced judge, she has never ceased to contest for those rights of birth and estate to which upon the volumes of evidence to support her claim, and she has grown gray in protesting against the misof her property, but finally she has achieved a grand triumph, placing within her reach upward of \$30,000,000 orth of property and opening an avenue for a complace revolution in the law of entail and the disposition of hundreds of estates in her native State; for it will be remembered that upon almost the precise allegations made by Mrs. Games depend the possession of enormous wealth, which has been brought into question by the peculiar relationship formerly held between plant ers and their female servants. In this respect a resume of this celebrated case will be read with interest by Herald readers who remember the inciting, early years of the trial, while presenting to the present generation the attractive features of a most im-

QUESTION OF MRS. GAINES' LEGITIMACY. Daniel Clark, father of Mrs. Games, was a proud chivalrous Irishman. Previous to the war of 1814 he achieved a handsome fortune, most of which was spent in purchasing valuable real estate in the Crescent City. At that time New Orleans was gradually becoming the ideal residence of the wealthy slave owners and men of affairs. For thirty years the city continued to grow in population and influence, and the value of real estate advanced with it. According to the testimony of Mme. Despau, Daniel Clark was married to Zuline Carriere, in the City of Philadelphia, in 1803. The ceremony was born of this marriage, to-wit, Myra Clark, now Mrs. Gaines. But Mmc. Despau was flatly contradicted, when, in 1848, the executors of Myra's grandmother, Mary Clark, undertook to prove her right to dispose of the property at public sale or otherwise. It was alleged that Zutine had married one De Grange; that this marriage was not annulled because Zuline failed to convict De Grange of In reply to this, however, Mme. Cailleret, Zuline's sister, stated that when it became known De Grange had committed bigamy in marrying Zuline, and the marriage rendered void thereby, Clark made proposals of wedlock to Zuline; but the latter proofs of De Grange's bigamy could be procured. It was discovered that the record of this marriage was in a athoric church in New York city, and said Mme. Cailleret. "Myself, Zuline and Mme. Despau started North to that city. Clark arrived later. We heard that a Mr. Gardette, then living in Philadelphia, was one of the witnesses to De Grange's prior marriage. We he had been present at De Grange's marriage, and that he afterward knew De Grange and his wife; that his Zuine. 'Von have no reason any longer to refuse being married to me. It will, however, be necessary to keep of the nullity of your and De Grange's marriage. Grange was imprisoned on a charge of a bigamy, subsequently escaped from jail and fled the country, But it was not denied that at the time of his arrest he had another wife living healds Zuline; at the same time he had beither been convicted of bigamy nor separated by any judicial process from either of his

THE SECRET MARRIAGE BELIEVED. What tended still more to complicate matters was the assertion that Caroline, the wife of a Mr. Barnes, was the only legitimate child of Daniel Clark. This statement was made by three witnesses, Coxe, Huling and De la Croix. Mr. Justice Wayne, of the United States Supreme Court, in December, 1847, dismissed this question of another heress very summarily. He infer-red that she was, in fact, the child of De Grange. Said he, the "witnesses speak of extraordinary affection manifested by Mr. Clark for his child (Myra), his daily visus, his parental and endearing londness, his costly presents and manifested pride in her as time developed her mind and appearance, and he always called her Myra Clark. Of course all this is not inconsistent with what men of generous temper should do to repair as much as they can in such cases their indiscretion as to the birth of a child But when a parent does it, with subsequent declarations made over and over again to several persons of a child's legitimacy, they may well be amited to the latter to remove the objection that Mr. Clark had not mentioned his marriage with Zuline at the time he gave Colonel and Mrs. Davis instructions to provide for the birth of the child. Besides up to that time he had identioned his marriage to no one. Mme Deepau, himself, his wife and her sister only knee the secret, and his influence over them ready made it his own until they they could speak iree, from the apprehensions excited in them by his injunction that the marriage was not to be disclosed until the De Grange marriage had been judicinity annulled. All this occurred in 1803, just before the close of the Spanish government in Louisiana. Clark was a man of no ordinary character. His natural fitness to control those about him became habitual, and as his wealth and influence increased it was exercised and involuntarily yielded to by all who associated or who were in business with him. He was a man of high qualities, but of no rigor of virtue or, self-coultot. Energetic, enterprising, couraceous, affectionate and generous, but with a pride which had yielded to no mortification until a sense of justice subdued it in behalf of his child. As to Mrs. Clarks, cossidering it alone, or which these reasons which have been urged against the marriage, our conclusion is that, inexcusable as her conduct was, there is not enough to make her marriage with Clark doubtful. Discarding allogether from our consideration the riviation and impositions to which has remaine (Zuline) had been subjected from her girmond and her well founded lears of the fidelity of Mr. Clark, and admitting she was very deficient in her lides of the secretoness of marriage however, it may expose ner virtue and her affection for her lawing households. The fidelity of Mr. Clark, and admitting she was very deficient in her lides of the secretoness of marriage however, it may expose ner virtue and her affection for her lawing house and original chapter of donest in the orroborating proofs of that fact in the case. It wit raise a curious suspicion against the marriage however, here is not enough to set aside the testimony of a witness who have gone and the wisdom of those who have gone before us in co to provide for the birth of the child. Besides up to that time he had mentioned his marriage to no one.

Mme Bespau, himself, his wife and her sister only

the Probate Court. Different persons bought property in this way for which they were sued, and new loss it under the decision. But this will, according to the suit entered in 1847, was invalid, First, because it was neither dated nor written in Clark's headwring, in conformity with the law; second, because Clark made another and final will in 1813, which fulfilled all the requirements of the law of Louisiana, making Myra Clark Gaines his sols legates, and Mesars. Beliechasse, he in Croix and Peto his executors. This last will is declared to have been fraudulently withhold or destroyed at the time of Clark's death, and attempts made to rob Myra of her britanght. But Judge Brings, in deciding in her layor on this point, seems to have stroke the very germ of the difficulty. He says that two witnesses having read the will, saw signed and written in the handwriting of Clark, and that it was attend on one of the days of July, 1803, was sufficient proof of its existency. Anyocata. After the value of the Manager of the William Wallace Whitney, son of General T. Whitney of New York, Mrs. Gaines become a waver institute and pressed with treat vigor. And it is in connection with these early attempts, begin thirty-lay years ago in the First District Court of New Orleans, that the principal interest rests. On one occasion, as recently set forth in the New Orleans, has the principal interest rests. On one occasion, as recently set forth in the New Orleans, has the principal interest rests. On one occasion, as recently set forth in the New Orleans, he will ever be remembered by those who witnessed it. A lany, in the absence of her counsel, assumed the task of sonducting and arcung her own case. The lady was then in the full bloom of matronly beauty. Petit of figure, but graceful and symmetrical, with a face of rare intelligence and vivacity, of fair and rich complexion, with eyes of gypsy brightness, but mile own proceedings the first proceedings. The room was covided. There was a full representation of the complexion, with e

to the maintenance of the claims of his wife and the vindication of the nonor and character of her father, who had been his intimate friend.

It was in the discharge of this obligation General Gaines now appeared in court to support his wife in the prosecution of her case. The lawyers retained for her had been involved in a quarrel with the Judge and had retired from the court. Left alone without attorneys, with some of the most distinguished members of the Bar opposed to her, General Gaines asked that the Court would allow the lady to conduct her own case. Some altercation ensued between the Judge and General and Mrs. Gaines.

The Judge objected to the tone and style of the lady, and reminded General Gaines that he would be held responsible for her acts and language.

Thereupon the veteran, rising to his full height, avowed his personal responsibility for everything the lady might utter, in any manner and form in which a gentleman could respond to such demand. Then gracefully touching his sword handle he glanced at the lawyers on the opposite side, against whom Mrs. Gaines had launched some pretty flery invective. To which His Honor responded with much temper that no distinctions of persons or sexes were allowed in that court, nor would any menace of authority in official rank have any influence or be regarded with any ewe or deference there. Thereupon General Gaines, bowing low to the Judge, begged to assure His Honor that in appearing before him in uniform and with his sword he did so in conformity to the regulations of the service out of respect for the Court. No one would be more prompt to draw his sword in defence of the authority of the civil tribunals of his country, and at the risk of his own life, to detend the person and execute the orders of the judges of the lederal or State government.

cate the orders of the judges of the federal or State government.

SURBING THE JUDGE AND WINNING THE JULY.

After this little tilt Mrs. Gaines resumed her argument and continued it for two hours, until interrupted by the Judge, who ordered her to take her seat. Thereupon the lady appealing to the jury, charged the Judge with a prejudgment of her case, and presented the evidence in the form of a certificate from the United States Court of a motion once make by the Judge in behalf of the defendants in one of the suits brough by Mrs. Gaines. This raised a question of recusation, which the Judge insisted upon being regularly investigated and tirted before proceeding jurither. The case was interrupted by the interdecutory proceeding, pending which the court adjourned.

Journed.

The next day Mrs. Gaines was preparing to attend

Mrs. Gaines.

Following UP HER VICTORY.

Thencelorward the lady assumed personal charge of her case, and has pursued the same with the most marvelious tenacity, energy and iertility of resources, through a hitgainot the most prolonged, compincated, extensive and eventful which has ever been prosecuted in the Christian word. With an wonderful variety and fluctuation of fortune and results, with decisions constantly conflicting, and with an exhaustion of the resources of talent and tearing of more than a hundred of the ablest lawyers of the country, accumulating an enclyclopedia of records, opinions, judgments and arguments, has this great cause over conducted with undeviating constancy and beroic fields yto the conclusion which is announced. And though the conclusion which is announced, and though the conclusion which is announced and benefit field when, thirty-five years ago, she made her first appearance in court as her own advocate and counsilor.

Jedic Hill, which was annuited by the later instrument of 1813, to have been fraudulently presented for probate, and that the men who presented at knew that it was not the "last will and testament" of Daniel Clark. A Mrs. Snythe, who suckled Myra, saw the latter document and read it. "And." says the Judge, "In looking for the testimony which might solve the question whether such a will had ever been executed or not, a reasonable inquirer would instrument of his chief, and especially (if they could be found to those who were mist with he deceased in the latter part of his hip, and especially (if they could be found to those who were with him in the last moments of his existence, when to ehand of death was on him. Such wheneves, it may had monstered to division by the constoner that the petition with the deceased of the latter part of his hip, and especially (if they could be found in a first place and the state of the substitute of the substitute of the substitute of the substitute of the latter part of his property into any particular change, high which he deceased

Croix was appointed tutor of his daughter Myra; that this will must Lave been in existence until within a very short time previous to Ciark's death, if not after that event, and that Clark immself died believing it was in existence.

UNANSWERABLE LOGIO.

I think if human testimony can establish the execution of this will it is jound in this record, and that an olographic will, such as is claimed to have existed by Mrs. Gance, was mace, written, signed and dated by her father, Daniel Clark. This brings me to the last question of lact with reference to the will. The will not being found after his death, is the presumption of last with reference to the will. The will not being found after his death, is the presumption of law overcome by the evidence in this case? Is it proved that the will existed up to and after the death of Clark? It does not seem to me to be necessary to conclude that Relf destroyed it. Clark may have deposited it with some person who never produced it. What does the evidence show as to the continuance of its existence up to the time of his death? The mind of any one familiar with the evidence in this case, it being established by irrefragable testimony that he had made the will of 1813, would be rejuctant to believe that a father who had by a last will given all his property to an only daughter, who from the reason probably that the acknowledgment of the marriage with her mother would have intertered with his personal ametion, had during his lifetime withheld such an acknowledgment from the public; had, in lact, lived a twofoid life, one part of which was necessarily inconsistent with the other, but who had centred upon this daughter all the affection which a father was capable of teeling. I say the mind of any one would reluctantly receive the conviction that he had, without any casson assigned or assignable, upon als deathbed have changed his plan and left his daughter penniless, excepting the provision which he mind to flad in his best will as choose of which was herificant in the fact.

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by the solicitors of the complainant and by his analysis of the chains of title under which the several defendants hold it is shown that the title of each and everyone of them comes back or traces itself back to the estate of Daniel Clark, through Reif and Chew, as the executors of the first will, and as the attorneys in fact of Mary Clark, legatee, under the first will. Inneed, in the supplemental petition of Fuentes et als., which has been adopted by all these defendants under the agreement on file, they allege "that the said R. Reif and B. Chew were the testamentary executors of said D. Clark under the will of 1811, and were siso the agents and attorneys, in fact, of Mary Clark, mother and sole testamentary and legal heir of said D. Clark, and as such were the parties through whom these petitioners derived title to the property now claimed by the said defendant."

It is not necessary for me to comment upon the effect of this Judicial admission furtner than to say that it is a distinct avowal that they claim once Reif and Chew as the executors and attorneys in fact under the first will, and this leaves them in the situation of having denied what they were legally bound to know, and what they admit in the Fuentes case they did know. These cases are undistinguishable in principle from that of the case of Gaines vs. Hennen, it is both proved and avowed in this case, which was admitted there, viz.; that the title was derived from Reif and Chew by the sales under the first will. Such a title the Supreme Court of the United States, in the case of Gaines vs. Hennen, 24 Howard, decided was an illegal and vicious title, and that the vice of the title took from the vendees all pretence of purchasers or possessors in good faith.

THE PLAINTIPP WISS.

In that case the Supreme Court took pains to put into their decree, after reciting the conveyance from Reif and chew through those intermediate praniess and the conveyance to Hennen, that the defendant Hennen, at the titre when he purchased the property so described and cla

LINES OF NEW DEPARTURE.

(From the Lynchburg (Va.) Nows, April 20.1 The New York HERALD has been for some time man facturing eye glasses for the President pro tem. This business would have been an emineut success if the oble remnant who followed Henry Clay a full assortment of glasses, and at the same time induced the new whice nor democrate to use the seductive lens. Mr. Hayes saw and felt through the "blue glass" of the HERALD, or the HERALD found out how he was teeling and what he was likely to see, and ground his classe. down to the requisite focus. At any rate, this seems to have been agreed, and now for the purpose of accomplishing the other desideratum and affecting the dwellers in the South, the Hanalo gives its readers columns of elegant and interesting fiction and prediction. Verily, its leaders on the subject of Mr. Hayes' policy read like the introduction of one of the old prophets. He sees in the dain future many joyous things—sees in the past many frauds and villanies which he ought to and could have seen long ago. In conclusion, before trying the "blue gaas" spectacles, we beg leave to suggest that His Excellency do not call to Messrs. Edmunds and Hoar. The upright, honest, patriotic people of the land—those that love their country, its history, its traditions—the old whigs, who have felt orde in past Senates and Houses of Representatives, will excuse these gentlemen from further public service after the record of partisan truculency and "tried subserviency" they have permitted Sonator Morton to make for them on the Electoral Commission. The honor then lost can never be regained. down to the requisite focus. At any rate, this seems

THE SPEAKERSHIP.

[BY TELEGRAPH TO THE HERALD.] LANCASTER, Ohio, April 21, 1877. Hon. Milton Sayler, of Cincinnati, has been here to

lay and had a lengthy consultation with General Ton Ewing, member of Congress elect for this district, in reference to the Speakership of the House. There is some probability that the latter gentieman may become the occupant of the presiding officer's chair in the House on the assembling of the new Congress.

INVASION BY TURKEY.

ARRIVAL IN THIS CITY OF A NUMBER OF TURK-ISH STUDENTS-THEY GO TO THE CHIEF UNITED STATES ARSENAL.

The sultan of Turkey could not have sent from his ominions to this country a better looking deputation of young men than those who reached the city yester day in the steamship Wyoming, from Liverpool.

EREMORS ABOUT THE OBJECT OF THEIR VISIT.

The young Torkish gentlemen above referred to yesterday afternoon for Providence, R. L., en route springhold, Mass., the chief arsenal of the nation.

UNHARMONIOUS.

Some little commotion was occasioned at the l'ark Theatre, Brooklyn, yesterday afternoon, where the Kellogg English Opera Company were performing the Bohemian Giri," by the appearance of a constable "Botemian Girl," by the appearance of a constable.
An attachment was made on the music of the above opera; also on the music of the opera, "Star of the North," in behalf of George Sturde, a violinist in the orchestra of the opera troupe, who has sued Mr. C. D. Hess for \$95. Mr. Sturde claimed that the above amount was due him for arranging the orchestration and the recitative parts of the opera of the "Botemian Girl," and also for arranging the score of the "Star of the North." The matter was finally settled. AMUSEMENTS.

LYCEUM THEATRE-"CAMILLE."

The performance of "Camille" by Miss Adelaide Lennox, announced to take place last Monday night, at the Lycoum Theatre, was witnessed there last ev ing by an audience large and sympathetic enough to have elicited the best efforts of any artist struggling for recognition under vantages. Such, it seems, was the situation of the lady who was announced to play Camille last nity drew together a numerous attendance, whose sympathies would seem to have gone out toward her, though their prejudices, formed from the recollection of another in the part of Camillo, may have cause of another in the part of Camille, may have caused them to withhold their approval until compelled to admiration by the power of her seting. It cannot in justice to said of Miss Lennox that she was at all equal to the enforcement of such a demand, however. To say that she had an intelligent idea of the part and delivered some of its speeches with naturalness is not to accord her much praise in an effort of such amounted as her's was; and yet this is about all we can say in praise of her; for, as a whole, her Gamille will not do. She does not show herself equal to a thorough appreciation of its gayety or grief. Armand's love does not come to her like a thrilling revelation, nor does it move her like the breath of a new life. One feit throughout that Miss Lennox's ambitton led her beyond her sphere. Much can be allowed for the cruceness of a first night's representation; but there were, apart from these, certain shortcomings and imperfections of siyle and gesture and voice that we do not think even practice could be relied on to obliterate so as to leave behind, in this lady, a really good Camille, Not that it is at all necessary that we should have always with us a great Camille or even a tolerably effective one, but since she selects this for a standard she must be juaged accordingly. Of the cast invorable mention may be made of Mr. Henry Datton, whose Armand Duval, though perhaps at times a liftle strained, was, on the whole, quite creditable, and Mrs.

The annual grand concert by the pupils of Mrs. Carrie F. Shorey took place last night at this hall, and was in every way a satisfactory affair. The fair pupils filed the stage and, in their white costumes and varie-gated sashes, offered a pleasing and picturesque spectacle delightful to the eyes of assembled papas and mam-mas, whose darlings were appearing at their very best. The programme of the evening was varied and ambitious, perhaps a little too much so for the occasion, but it was carried through with energy and decided success. Among the young ladies who distinguished themselves were the Misses Smith, whose piano solos were executed in a very creditable manner. Misses Daly, Yan Anden, Cassidy and Belle Martin sang with taste and judgment, showing by the excellence of their method the result of careful and intelligent training. But the great success of the evening, however, was made by a little lady axed eight years, who performed on the smallest of violius in a way that would have delignted Ole Bull hisself. It seemed scarcely possible when this mit of humanity appeared that it was she who had been set down on the programme to periorm Leonard's Medital e Neherto, but the little lady soon set all speculation at rest by developing a mastery over hor instrument which many an anult might envy. Her skill excited the admiration of the audience and she received the honor of an encore, when to every one's astonishment she undertook no less a feat than playing the "Carnival of Venice," and if it was not quite so well played as Paganini could have played it it was certainly wonderfully well rendered for so young a child. An interesting purt of the programme was the "Children's Chorus," by Giover, which was very well given by the younger pupils.

"Rigoletto" will be repeated to-morrow night at the Academy of Music. This evening the Italian company will give a grand sacred concert for the benefit of Mossrs. Albites and Palmieri, when all the chief artistes will sing. This concert will not be sacred merely in maine, as the programme is made up almost exclusively of sacred compositions. "The Inflammatus," "Cujus Animam" and "Pro Peccatis," from Rossin's "Stabat Mater;" Luzzis "Ave Maria," Verdi's "O Signore dal Tetto Natio" and Mendelssohn's grand aria, "Hear ye, Israel," from "Elijah," are on the programme and will be interpreted by Measrs. Celada, Beriolasi, Dal Negro and Signore Palmieri and Rastelli.

METAMORA AT BOOTH'S THEATRE.

This aboriginal drams, which valuly attempts make the noble Indian poetic, was presented by Mr. McCullough last night for the first time, and, we are willing to believe, the last. It was written by the late Dr. Bird for Mr. Forrest, and displayed the faults of that great actor effectively. It does not afford Mr. Mc-Cullough an opportunity of showing his merits, attnough he makes as much as possible of its heroic elements. The theme is almost obsolete now, and the Shakespearean plays give if: McCullough a much bet-ter opportunity than the text of Dr. Bird.

MUSICAL AND DRAMATIC NOTES. Emma Abbott will appear in concert at Baitimore to-

The sixth concert of the Philharmonic Society will take place on next Saturday evening.

A testimonial concert will be tendered to Miss Anna I. Borie to-morrow evening at Chickering Hall.

Mrs. Annie Lynch and pupils will give their annual concert at Steinway's, on next Tuesday evening. A concert will be given on next Wednesday evening at Tammany Hall for the benefit of the Church of the

Barnum's Circus and Menagerie continue to attract at audiences. The performances this week will be

A new Biblical opera, by Jeromo Hopkins, will be produced at the Academy of Music May 3 for the benefit of the Orpheon fund. The Aquarium has made large additions to its tanks

during the week, including sea snakes and various strange varieties of fishes. "Our Boarding House" begins its last week to-morrow evening, and on the 30th Mr. John T. Raymond will

appear in "The Gilded Age." Herr Fritsch, the tenor of Freyer's Wagner Opera Company, is highly complimented by the Boston press for his singing of Lobengrin.

Mr. George McGrath, of Brooklyn, who has been studying as a planist in Stuttgart, has just appeared very successfully in concerts. "The Wonder Child," a comedy with a burlesque

element, will be performed at the New Broadway Theatre on April 30. The scenery will be new. Mme. Essipoff will begin her series of piano recit als at Steinway Hall to-increw night, when she will per-

The Chestnut Street Theatre, Philadelphia, an-

and on the 27th and 28th tost, Mr. and Mrs. W. J Florence will appear at the Academy of Music, Brooklyn, in that celebrated play. Forbidden Frait" brilliantly began the regular

season at Wallack's Theatre, and "My Awiul Dad" will end in as much glory. Mr. Wallack has made one of his best hits in the character of the hero. Heller has no end to his wonders, and his pro

gramme this week will give scoptics an opportunity for investigating mysteries of clairvoyance and tricks of jugglery which are quite as hard to comprehend. Mr. Frederick B. Warde will have a benefit at Booth's Theatre on April 30th, when, in addition to other at-

tractions, "Damon and Pythias" will be performed, with Mr. McCullough and Mr. Warde in the title roles the New American Museum continues to attract the open a small theatre in connection with the Museum, and will give morning, afternoon and evening performances.

"The Princess Royal" must be withdrawn from the Fifth Avenue Theatre soon because of the engagement Miss Fanny Davenport has completely recovered from her sudden and severe illness and has resumed her part of the Princess.

Mr. Vincent, the experienced stage manager of

Booth's Theatre, will receive a benefit on Wednesday afternoon, when "The Merchant of Venice" will be performed, with Mr. John McCullough as Shylock and Miss Lillie Eldridge as Portia. Mr. Vincent deserves a full house for his long and successful efforts to please the public. A testimonial entertainment to Mr. J. B. Pendleton

takes place at Chickering Hail, on Wednesday evening. Among the singers will be Miss Steele, Miss Root, Miss Wilkinson and Mr. Galt. The recitations will reintro duce to a New York audience Miss Fanny Auld, who has just returned from California, and the surprisingly youthful elocutionist, Miss Flora Auld. Mr. G. W. Colpy is the musical director. Miss Heien Potter, the impersonator of Lyceur

celebrities, will appear at the Academy of Music, Philadelphia, on Monday night, in Mr. S. B. Pugh's star course. She will give impersonations of Gough, Charlotte Cushman, Susan B. Anthony and Anna Dick-inson. To the study of the latter lady, in "A Crown of Thorns," she has given two weeks of her time, and the event will be one of interest.

A grand concert will be given on next Friday evening, at Chickering Hall, in aid of the Cuban patriots

unded and disabled in their heroic struggle for Senor Emilio Agramonte, a relative General of the same name, who died gloriously at the head of his cavalry, is charged with the direction of the concert, and a number of distinguished artists have generously volunteered their services for the occasion.

This is the last week of the management of Booth's

Theatre by Messrs. Jarrett & Palmer, and therefore the last opportunity of seeing Mr. John McCullough. To-mor-Lear" will be performed and will be repeated on Tues day. "Virginius" will follow, and on Friday Mr. Mc-Cullough will take his farewell benefit as Othelio.

"The Danicheffs" on May 5 will have had a run of ninety-two performances, and must then be with-drawn, because of the intention of Messrs. Shook & Paimer to produce a new play from the pen of the late povels of Charles Dickens. It is called "Smike, The singular character of Smike will be neted by Bijou Heron, and Mrs. Wilkins, Miss Girard, Messrs. Stodin the cast. "The Danicheffs" will be played by the Union Square Theatre company in Brooklyn, May 14.

On Sunday evening next a benefit will be tendered to Signor G. Operti at Booth's Theatre, where he has so long and ably officiated as musical director. Among the many features of the performance will be readings the following artists will also take part in the entertainment:-Mme. Salvotti and Miss Annie Barry, Signor Tagliapietra, Messrs, Arbuckle, Salced, Bent and Signor Ciconi. Pike's Madrigal Boys and an orchestra Gilmore, are likewise included in the long list of attractions. Signor Operti's first benefit will doubtless

ball entertainment, in aid of the Soldiers' and Sailors' Home, will be given at Terrace Garden, under the susthe Republic. Among the artists who have voluntæred their services will be Mrs. Roberts, Miss Lizzie Reeder, Miss Anne Douglass, Miss Clara Berkeley, Miss Agnes Sheehan, Mrs. H. C. Parke, Miss M. Devaine, and Messra, C. and J. Anderson, Deyo, Port Behrens, Cooper, Foreman, Ray, Edwin Forrest, T. J. Lawrence, the Union Glee Club, Young Apolio Club Quartet, the Eureka Gobblers, and the Martha Washington Dramatic Association, under the management of ried and interesting and as the object to so meritorious it is hoped a large audionce will attend.

OBITHARY

American art will learn with profound regret the death

All interested in the progress and development of

of J. Beaufrain Irving, which took place on Friday night. This artist had created for himself an enviable reputation among our native artists. Those who enjoyed the pleasure of his acquaintance will doubly regret the earnest, hard working student and the unpretending friend. Mr. Irving was born in the Southern States, and inherited all the chivalrous sentiments which belonged to the better element of Southern society. On the outbreak of the war he cast his fortunes with the Confederation, and when victory was declared in favor of the Union he had studied art as a pastime, and when evil days came upon him he turned to his painting brush and palette as a means of support for himself and family. The first years of his artist life were years of bitter struggle, but Irving brought to his new profession a loving enthusiasm and a soldier's tenacity of purpose. Struggling bravely and working indefatigably he succeeded in attracting the attention of several influential things, and by their support be was encouraged to things, and by their support he was encouraged to struggle on. Some years ago he produced an important work which he called "The End of the Game," and though it was marred by certain defects of drawing it possessed so much real merit that the Hexalb called attention in an extended notice to its meritorious character, predicting for the artist a brilliant future. This was the beginning for Beaufrain Irving of a new life. Friends gathered rapidly about him and he was looked upon as a man destined to make a mark in American art. He took as his guide and master the great Meissonier, and though many of his earlier pictures were open to the charge of being more imitations og of the great Frenchman's work their technical merits were so high that they found rendy and generous perchasers among American art collectors. It is but justice to say that, as Irving's talent developed and his skill in the use of his materials increased, he began to map out a more independent course, and, though he was influenced to the last by Moi-sonier's style, he infused into many of his later works an amount of individuality that gave nope that one day he would be noble to say claim to entire originality. The most important picture that ever left this artist's easel in now on the walls of the Academy of Design. It was painted some years ago, but passed from the studio into the private collection of one of our wealthy citizens. Though possessing many excellencies, it is not his happiest work; but it serves to illustrate the wonstruggle on. Some years ago he produced an impor-

A telegraphic despatch from Buffalo announces the death there vesterday afternoon of Dennis Bowen, Esq., one of the most prominent members of the legal pro-fession in that city. Mr. Bowen was the son of a highly respected farmer of Aurora. Eric county. On the completion of his school course he entered as a Student the law office of Mesars. Fillmore, Hall & Hayen, a firm having a larger practice in the State and Having been admitted to the Bar about the time of Mr. Fillmore's accession to the Presidency Mr. Bowen continued in the employment of the of firm, and soon became a most trusted counsellor, confining his labors almost exclusively to office duty, his excessive diffidence preventing his frequent appearance before the courts. On the final dissolution of the firm, subsequent to the appointment of Mr. Hail to the United States District Court Bench and the death of Mr. Haven, most of its business remained in charge of Mr. Bowen, who became a partner in the firm of Rogers, Bowen & Rogers. This connection has since changed by the retirement of the senior partner. The jumor Mr. Rogers was the republican candidate for Lieutenant Governor of this State last Nevember. Though Mr. Bowen never overcame his natural reluctance to speaking in public, he was many years a most useful member of the Buffalo Board of Aldermen and of several commissions in connection with local government, he was an admirable executive officer, clear and intelligent in investigation, prompt and decisive in action. Well and widely known, he was universally respected, and few citizens of Buffalo will be more generally and succrety mourned. Mr. Bowen was aged about fifty-five years. He leaves a wife and several children. ance before the courts. On the final dissolution of the

COLONEL JOHN W. DIX.

Colonel John W. Dix, son of ex-Governor Dix, whose death occurred yesterday, was born in Albany in 1832, while his father was Adjutant General of the State. He was well known to the capitalists of this city as an efwhom was intrusted the payment of interest on the public debt during the rebellion. He was secretary of legation with his father in Paris and private secretary legation with his father in Paris and private secretary at Albany while his father was Governor of the State. In both these positions his promptitude, courtesy and attention to all who had business or social relations with him gained him hosts of friends. He has for several years been his latter's private secretary and has had the sole management of a valuable trust estate, which he has conducted with his characteristic accuracy, fidelity and scrupulousness. His loss will be paintuity felt by all who knew him. To his latter and his family it is irrepartable. He was forty-five vears of age. The tuneral takes place on Monday next from Trinity Chapel.

The death of Mrs. Mary Eliza Calvin, wife of Sur-

rogate Delano C. Caivin, occurred yesterday morning at ber late residence, No. 138 West Forty-seventh street. The funeral services will take place to-day, at three o'clock, and the body will be taken to Watertown for interment.

MRS. DELANO C. CALVIN.

CARDINAL VANNICELLI.

The Rome correspondent of the HERALD announce he death of Cardinal Vannicelli in that city yesterday. He was created a Cardinal in 1829 and had reached a PRESIDENT GILL, OF PARAGUAY.

The cable announces the death by assassination yes erday of Jean Bautista Gill, President of the Republic of Paraguay. No particulars of the crime are for-warded. Signor Gill was raised to the Presidency November 25, 1874. HOMICIDE BY AN INFANT.

BOY FOUR YEARS OLD SHOOTS HIS SIX-YEARS-OLD PLAYFELLOW THROUGH HEAD-FATAL END OF A CHILD QUARREL-THE HEART-BENDING SCENE ON WHICH A FOND MOTHER LOOKED FROM HER WINDOW.

(BY TELEGRAPH TO THE HERALD.] Boston, April 21, 1877.

A homicide most peculiar in the circumstances surrounding it, owing to the extreme youth of the parties concerned, occurred this afternoon on Holyoke street, at the South End. The murderer was a little boy named Dudley Kimbali, four years old, and the victim Stephen Cox, two years his senior. Both boys belong to families of respectability, living opposite each other on the street mentioned, the Kimballs bein the west side at No. 26 and the Coxes at No. 23. appears from all the information gleaned, that the two boys, with a large party of children, early in the day were at play together, and that for some trivial cause

The little Kimbail boy, who is commonly called by his associates "Major," said he would "fix him," meaning Cox; but no trouble of a serious nature oc curred until afternoon, when both boys again met on the selewalk, in front of the garden of Mr. Kimball's were with them; and, while the majority were play ing in the carden, the Kimoali and Cox boys again re newed their quarrel. During the children's war of word

ing in the cardon, the Kimoali and Cox boys again renewed their quarrel. During the children's war of words that took place, Joseph Cox, eight years old, a brothes of the latte fellow murdered, crossed the street, and soon after joining his brother Kimoali said again it as angry tone to little Stephen that he would "fishim," and thereupon hastily entered his house.

A Hidden warp, S.

It seems from what atterward transpired he went to get his father's revolver, with the cool determination of shooting young Cox. The pistol, it is said, belonged to his father, John T. Kimball, and yesterday was secreted by a member of the family in order that the young hopeful could not get it into his possession. How he found the weapon has not been learned, but it is supposed that he oceame aware of its whereabouts while overhauling things about the house. On coming out of his parents' dwelling he walked up to little Stephen Cox, who was facing him, but who had not the least suspicion of his assailant's intent.

Stephing by DEATH.

The Cox boy stood learning on the fence which surrounds the gardens, and before he could move a step young Kimball deliberately and coolly pointed the muzzle of the revolver at his bead and fired. The bah entered the forschead, over the right lobe of the brain and lodged in the back of the skull. Young Cox fell bleeding against the fence, on which he would in his head, from which the brain also oozed, he soon became unconsclous.

A nother's ford Gaze.

His mother, who had been sitting at the window, litting aimost before her eyes, had her attention attracted to the affair by seeing her boy lying unconscious on the sidewalk, and rushed frantically to the scene. On reaching the child she learned the lacts and almost fainted.

scene. On reaching the child she learned the lacts and almost fainted.

SURGEONS, BUT NO RELP.

The little fellow was removed to his house opposite, and Drs. Fuller, Leach, Reed, Stone, Sanders, Cheever and Evans and Doctoress A. E. Gilbert were summoned at once. They did all in their power, but the wound was fatal and the little fellow lived only a few hours. The father, Mr. Matthew Cox, who is a member of the firm of C. & M. Cox & Co., No. 47 Pearl street, was also at once summoned, and upon reaching the house he became almost trantic with grief.

THE INFANT SLAVER.

Directly after the shooting young Kimpall went into his house, and upon efficers of station No. 5 calling upon his family to inquire into the aftair he appeared greatly frightened. It was generally reported by the neighbors, among whom there was considerable excitement, that the shooting was accidental, but there is no ground for such a theory, as the statoments of the children who wincessed the shooting and other evidence in possession of Coroner Evans goes to show that the rash act was premeditated by young Kimball, Kimball's father is a memoer of the firm of John Kimball's father is a memoer of the firm of John Kimball & Son, No. 52 Sudbury street. An inquest will be held on Monday.

CROOKED WHISKEY.

CROOKED WHISKEY.

IMPORTANT SEIZURE OF DECTIFIED LIQUOR IN A LICENSED DISTILLERY.

[BY TELEGRAPH TO THE HERALD.] CINCINNATI. April 21, 1877. Mr. Will Cumback, United States Revenue Collector for the State of Indiana, to-day seized 551 barrels of

whiskey, in possession of John H. Gaff & Co., at Lawrenceburg, Ind., which had been rectified in their dis tillery. Gaff & Co. held license to distil, and operat ing under that have hitherto confined themselvs to the

ing under that have hitherto confined themselvs to the production of high wines, but their license does not give them authority to rectily liquors, and for this infraction of the law the seizure was made.

Some three weeks ago, the storckeeper at their establishment discovered evidence that they were rectifying liquors made by them, and reported the same to Mr. Cumback, who transmitted the report to Wassington. Then Colonel J. L. Turnbull, the Revenue Agent of the district was ordered to make an examination of the establishment, which resulted in the discovery that of 1,500 barrels of liquors on hand 551 of them were "crooked."

were "crooked."
Mr. Gaff is a brether of James W. Gaff and Thomas Ant, the three trothers constituting cagother the largest whiskey manufacturers in the three states its dependent of liquor being rectified at this establishment, and his high character hitherto warrants the inforence that he has been imposed upon by wicked partners.

THE POSTAL COMMISSION.

AUGUSTA, Ga., April 21, 1877. The members of the Postal Commission met a large number of merchants to-day at the Augusta Exchange to consult in reference to Southern mail tacilities, the object being to procure a fast schedule between York and New Orleans and intermediate points. The members of the commission are G. G. Hubbard, of Boston; D. M. Fox, of Pinladelphia, and G. H. Barrett, of New York. M. Marsaail and k. R. Bridges accompany the commission. The party were entertained this afternoon by an excursion on the canal. The commission leaves for Charleston this evening.

THE SERENADA.

INCREASING POPULARITY OF THE PROPOSITION-PENNIES POURING IN TO SWELL THE FUND-HONORS IN STORE FOR THE FUNNY MAN OF THE POLICE BOARD.

"And the cry is still they come." The people are determined on complimenting the Police Commission ers, and who will gainsay their right to do so. The fellowing letters and contributions prove how high in the estimation of their fellow citizens are the gentlemer who control the street dirt :-

who control the street drt:

A IDEA OF THE RIGHT STAMP.

TO THE EDITOR OF THE HERALD:

You are always getting at the right thing. The seronade idea is spiended, so I send you as my subscription atom five cent samp which my servant found among a torm five continuous my servant found among atom that of our new house.

GUSTAV.

the rabbish of our new house.

But R BUT RUSHNESSLIKE.

TO THE EDITOR OF THE HERALD:

Enclosed please find five cents for the tin pan sereBIGLEY.

nade.

ONE CENT FOR THE TRIBUTE.

TO THE EDITOR OF THE HERALD;—
Comus Smith can well afford to laugh at the miseries of a long suffering people, for his pecuniary dumpings will at the end of his term be found quite sufficient to make him independent. And so it is with most of our officials who require the income of only one term in office to redire upon—if not with honor, certainly with sufficient hil-gotten gains to live in luxurious and vulgar injenses the rest of their days. Please find enclosed my contribution (one cont) toward defraying the expense of the contemplated serenade.

A KITCHEN MAID'S CONTRIBUTION.

TO THE EDITOR OF THE HERALD;—
I have kept an online bucket full of tea leaves, potato skins and beet bones for a week so that the stuff will smell good and alroug when the serenade comes off. I am going to have this nicely made up in patties as refreshment for Mr. Smith and his friends after the music and speeches are all over.

IMPATIENT BUT GENEROUS.

TO THE EDITOR OF THE HERALD:—

Why don't you burry up the music before the next rain storm cleans the streets. It would be showing bad uste to compliment the Police Board while the streets are clean. I send you two cents toward the expenses.

A VOICE FOR THE PESTIVAL.

TO THE EDITOR OF THE HERALD.—

I am a poor man, but I truly desire to help you in the gesting up of the serenae to the Police Board. I have a good voice, being used to selling oranges, twelve for a quarter, uplown. Now I will gladly sing at the serenae it you want me, and will pay my own car fare downtown on the night of the fostival.

SWELL THE CHORUS.

HOR FOR MULBERRY STREET.

SWELL THE CHORUS.

HOE FOR MULHERRY STREET.

TO THE EDITOR OF THE HERRY STREET.

I send you a good stout out hoe that I use for cleaning the gatter in front of my house. I offer it as a drum stick or a toren handle, which ever will be most useful at the serenade. My wife was going to cremate it the other morning, being short of Brewood, but I told her it was sacred to the Muses.

CONTRIBUTIONS TO DATE.

Slap Bang. An old broom Go it. 6 cents
D.V 60 cents
Swell the Chorus. 1 voice
Lois of Fun 1 to cents
Gustav A torn five cent stamp
Bigley 6 cents
Lance 1 cent
Kitchen Maid Garbage patites
Mudlark 2 cents
Star Spotter. An old telescope tube
Reflector. One calcium light